

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

WEDNESDAY, THE 6TH DECEMBER 2006 / 15TH AGRAHAYANA 1928

Bail Appl.No. 6215 of 2006()

CRMP.1025/2005 of DISTRICT COURT, KOTTAYAM
CRIME NO.250/2005 OF KOTTAYAM WEST POLICE STATION
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PETITIONER/2ND ACCUSED:

P. RAJEEV, S/O. PUSHPANGADAN,
BHAMA SADANAM, KUDAMALLOORBHAGOM,
AYMANAM VILLAGE, KOTTAYAM.

BY ADV. SRI.S.RAJEEV

RESPONDENT:

STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM (CRIME NO.250 OF
2005 OF KOTTAYAM WEST POLICE STATION).

BY PUBLIC PROSECUTOR SHRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 06/12/2006, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

V.Ramkumar, J.
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B.A.No.6215 of 2006
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Dated this the 6th day of December, 2006.

ORDER

Petitioner, who is the second accused in Crime No.250 of 2005 of Kottayam West Police Station for offences punishable under Sections 330, 348, 395 and 398 I.P.C., seeks anticipatory bail.

2. The occurrence took place on 15.5.2005. The petitioner's application for anticipatory bail before the Sessions Court, Kottayam was dismissed as per Annexure 2 order dated 2.7.2005. It was thereafter that the petitioner moved this Court seeking anticipatory bail.

3. The learned Public Prosecutor opposed the application.

4. The petitioner is alleged to be a known gunda in the locality and who was employed by the first accused in the case for forcibly evicting the defacto complainant, who is conducting Aiswarya Tourist Home at Kottayam. The defacto complainant was brought into room No.121 of Kandathil Lodge on 15.5.2005 and the assailants numbering

13 including the petitioner showing deadly weapons compelled him to sign blank stamp papers and wrongly confined him for the purpose of getting the signature and committed dacoity.

5. Anticipatory bail cannot be granted in a case of this nature. There is no reason why the petitioner should not seek regular bail. Accordingly, if the petitioner surrenders before the Magistrate concerned and files an application for regular bail within two weeks from today, the same shall be considered and disposed of on merit preferably on the same day on which it is filed.

With this observation, this application is dismissed.

V. Ramkumar,
Judge.